

**PATENT**

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*Marqui Greene*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	:	Attorney Docket No.: 22562-2
	:	
Thomas E. Jackson	:	Group Art Unit: To Be Assigned.
Dwayne Mattox	:	
Randy L. Spangler	:	Examiner: To Be Assigned.
	:	
Filing Date:	:	

For: **DOLLY DEVICE FOR LOADING CONTAINERS**

**PETITION FOR FILING PATENT APPLICATION**  
**ON BEHALF OF UNAVAILABLE INVENTOR**  
**UNDER 37 C.F.R. 1.47(a)**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants Thomas E. Jackson and Randy L. Spangler hereby petition the Commissioner to accept the filing of the above-identified U.S. Patent Application by them on behalf of the non-signing inventor, Dwayne Mattox, a former employee of Toyota, who, after diligent efforts, cannot be found or reached.

37 C.F.R. 1.63 provides that the oath or declaration must be made by the actual inventors when filing an application for patent except as provided for in 37 C.F.R. 1.47. Under 37 C.F.R. 1.47(a), if a joint inventor cannot be found or reached after diligent effort,

the application may be made by the other inventors, and the declaration must be accompanied by a petition including the pertinent facts, the required fee, and the last known address of the omitted inventor. Under MPEP 409.03(a), a declaration signed by all the available joint inventors with the signature of the non-signing inventor left blank, may be treated as having been signed by all the available inventors on behalf of the non-signing inventor.

Attached hereto are the DECLARATION OF CORTNEY L. ROMANS and the accompanying exhibits, providing proof of the pertinent facts that establish: 1) that the non-signing inventor cannot be reached after diligent efforts; and 2) the last known address of the non-signing inventor.

#### **STATEMENT OF PERTINENT FACTS**

Several diligent attempts to contact Mr. Mattox regarding this application have been made. However, all attempts have been unsuccessful.

Specifically, on or about January 10, 2003, Mr. Romans contacted the human resources department at Toyota's TMMNA division to obtain information about Mr. Mattox's last known whereabouts. (See Dec. of Romans, ¶2). He was given Mr. Mattox's last known address and telephone number. (See Dec. of Romans, ¶2). He was informed that the telephone number has had a new subscriber since August 15, 2002. (See Dec. of Romans, ¶2).

On or about January 13, 2003, Mr. Romans made several attempts to discover another address or telephone number and discovered another Dwaine Mattox (different spelling) with another telephone number, but a telephone call placed at this number produced no response. (See Dec. of Romans, ¶3). Several other attempts were made to locate Mr. Mattox, through telephone calls and emails placed to various entities at Toyota's TMMK division, including

human resources, payroll, and his former bosses and co-developers, as well as Kentucky's Department of Motor Vehicles, but these attempts proved unsuccessful. (See Dec. of Romans, ¶4).

On January 16, 2003, a letter of instructions was sent to Mr. Mattox's last known address requesting that he execute the enclosed application papers. (See Dec. of Romans, ¶5 and Exhibit 1). However, the letter was returned unopened and was marked "Moved Left No Address." (See Dec. of Romans, ¶6 and Exhibit 2).

Applicants submit that diligent efforts to contact Mr. Mattox have been made, and that, despite these efforts, Mr. Mattox still cannot be located.

#### **THE INVENTOR'S LAST KNOWN ADDRESS**

The last known home address and telephone number of the non-signing inventor are as follows:

Mr. Dwayne Mattox  
1217 Colorado Road  
Lexington, Kentucky 40509  
Telephone: 859-263-5716

(See Dec. of Romans, ¶5).

#### **DECLARATION AND POWER OF ATTORNEY**

Pursuant to 37 C.F.R. 1.47(a), the declaration may be signed by the available inventors on behalf of the non-signing inventor, and, according to MPEP 409.03(a), this may be accomplished by leaving the signature block of the non-signing inventor blank.

#### **FEE**

The petition fee pursuant to §1.17(i) of \$130.00 is enclosed. Please charge any additional fees required in connection with this communication to Deposit Account No. 04-1133.

## CONCLUSION

Based on the foregoing, it is respectfully submitted that diligent efforts have been made to contact Mr. Mattox, and because he cannot be reached, the application may be made on behalf of the available inventors.

Respectfully submitted,



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